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EXHIBIT 17 – Part 1

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**CITY OF SAN LEANDRO
STAFF REPORT**

DATE: March 19, 2007

TO: John Jermanis, City Manager

FROM: Hanson Hom, Community Development Director

BY: Debbie Pollart, Planning Manager

APPROVED AND FORWARDED
TO CITY COUNCIL


John Jermanis
City Manager

SUBJECT PROJECT/PROJECT DESCRIPTION:

MATTER OF ORDINANCE AMENDING SAN LEANDRO ZONING CODE AS FOLLOWS RELATING TO ASSEMBLY USES: ARTICLE 3, DELETING DEFINITIONS FOR 'CLUBS & LODGES' AND 'RELIGIOUS ASSEMBLY' AND ADDING A NEW DEFINITION FOR 'ASSEMBLY USES'; ARTICLE 5, AMENDING SECTIONS 2-504, 2-506, 2-508, AND 2-510 FOR CONSISTENCY WITH NEW DEFINITIONS; ARTICLE 13, ADDING NEW SECTIONS 3-1320 THROUGH 3-1330; ARTICLE 17, AMENDING SECTION 4-1704; AND MATTER OF AMENDING SAN LEANDRO ZONING MAP TO INCLUDE 197 PROPERTIES WITH AN ASSEMBLY USE (-AU) OVERLAY DISTRICT DESIGNATION, WHICH WOULD ALLOW ASSEMBLY USES TO BE CONDITIONALLY PERMITTED ON THESE PROPERTIES.

SUMMARY AND RECOMMENDATION

In response to an application by a church to re-locate to a non-residential district, staff analyzed the possibility of allowing assembly uses (defined as 'clubs & lodges' and 'religious assembly') on appropriate non-residential sites, and expanding the land use options within the City for assembly uses. In addition, supplementary Zoning Code amendments, begun in 2003 for consistency with the federal government's Religious Land Use and Institutionalized Persons Act (RLUIPA), are being proposed. These proposed amendments relate to the definition for assembly uses and the allowable zoning districts for these uses.

Recommendation:

The Board of Zoning Adjustments, the Planning Commission and staff recommend that the City Council hold a public hearing and adopt the Negative Declaration; adopt the proposed Zoning Code amendments to Articles 3, 5, 13, and 17; and the Zoning Map amendments for the 197 identified properties.

BACKGROUND

An existing church in San Leandro recently purchased the property at 14600 Catalina (formerly occupied by MDL). On May 18, 2006, staff received an application from the church requesting a Zoning Code amendment to conditionally permit Assembly uses in Industrial Limited (IL) zones, and to rezone their property from Industrial Professional (IP) to IL (thus setting up the possibility for review of a use permit for an assembly use at the 14600 Catalina site).

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A joint worksession with the Board of Zoning Adjustments and Planning Commission was held on October 19. Based upon policy and criteria set forth in the General Plan, staff presented two options for consideration: 1) Amend the Zoning Code to allow Assembly Uses (includes 'clubs & lodges' and 'religious assembly') as conditionally permitted in the IL zone; or 2) Apply an Assembly Use Overlay to identified areas. The direction given by the Board and Commission was for staff to move forward with consideration of Option 2. Subsequent to the joint work session, and after additional data analysis by staff, this option was presented to several advisory committees, including the West San Leandro/MacArthur Boulevard Redevelopment Area Advisory Committee, the Chamber of Commerce Government Affairs Committee, and the Joint Redevelopment Area Advisory Committee. At the December 7, 2006 Board of Zoning Adjustments meeting, the refined proposal for an Assembly Use Overlay was presented to the Board for comment. Available meeting minutes are attached.

DRAFT ORDINANCE

The proposed amendments may be summarized with the following changes:

- Amend *Article 3 – Definitions*, delete 'Clubs and Lodges' and 'Religious Assembly' definitions and replace with new 'Assembly Use' definition;
- Amend *Article 5 – Residential*, to delete separate 'Religious Assembly' and 'Clubs and Lodges' terms and replace with 'Assembly Uses' (to be conditionally permitted in all R zones);
- Amend *Article 13 – Special Review Overlay District*, to include new sections addressing formation and applicability of an Assembly Use Overlay;
- Amend *Article 17 – Off-Street Parking and Loading Regulations*, to make consistent with other amendments;
- Amend the Zoning Map to show an Assembly Use (-AU) designation for those properties designated for the Assembly Use Overlay (underlying zoning designations will not change).

DISCUSSION

In evaluating the policy issue of expanding the locations where assembly uses could locate in the City, staff notes that analyzing this matter raises larger General Plan policy issues. Staff looked at the following overriding General Plan Policies for guidance:

- ▶ "The areas most suitable for conversion to non-industrial uses are those located adjacent to existing housing, or in areas which lack the amenities to meet the needs of modern industry. Such areas exist along San Leandro Boulevard, Alvarado Street, and Marina Boulevard" (Page 3-52 of the General Plan);

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- ▶ General Plan Policy 10.04 *Industrial Sanctuary* – Protect the City's major industrial areas from encroachment by uses that are potentially incompatible with existing viable industrial activities, or which may inhibit the ability of industry to operate effectively; and
- ▶ General Plan Policy 33.04 *Separation from Sensitive Uses* – Provide adequate and safe separation between areas where hazardous materials are present and sensitive uses such as schools, residences and public facilities.

The following General Plan policies were also considered:

- ▶ Policy 7.09 – Build upon the locational strengths and transportation features of West San Leandro to support the area's continued development as a major industrial, technology, and office employment center. In accordance with the West San Leandro Plan, limit the encroachment of incompatible residential and retail uses into the area, and promote additional development and redevelopment with manufacturing, technology, warehouse and distribution, office/flex, and similar uses.
- ▶ Policy 7.10 – Facilitate the gradual transition of the South-of-Marina (SOMAR) area into a cohesive light industrial district characterized by light manufacturing, office/flex, research and development, bio-medical, e-commerce, and similar uses, along with complementary business services and employee amenities.
- ▶ Policy 13.01 – Ensure that future land use development decisions are in balance with the capacity of the City's transportation system.

In addition, Article 1 of the Zoning Code stipulates that the broad purpose of the Zoning Code is to protect and promote the public health, safety, and general welfare, and to implement the policies of the City of San Leandro General Plan. More specifically, the Zoning Code is intended to:

- ▶ Provide a precise guide for the physical development of the City in accord with the policies of the General Plan;
- ▶ Preserve the character and quality of residential neighborhoods and commercial and industrial areas consistent with the character of the development districts of the City;
- ▶ Promote the economic stability of existing land uses that are consistent with the development policies of the General Plan and protect them from intrusions by inharmonious or harmful land uses;

Article 7 – Industrial District indicates the following specific purposes:

- ▶ Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing, distribution and storage, and service areas;
- ▶ Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

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- ▶ Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses;

Based on General Plan policies such as those noted above, area specific policies and plans, and Zoning Code purposes, the following criteria were developed for evaluating appropriate locations for assembly uses, with the express objective of expanding the opportunities for assembly uses beyond the residential zoning districts:

- *Site is not located along a major commercial corridor* (identified as E. 14th Street and Marina Boulevard between San Leandro Boulevard and Merced Street);
- *Site is not located within the following General Plan Focus Areas: Downtown, Bayfair, Marina Blvd/SOMAR, or West San Leandro* (each of these Focus Areas is governed by one or more of the following, which governs future development – special study/guidelines, special overlay district, or location within a redevelopment area);
- *Site is not located in a regional-serving retail area* (identified as Greenhouse Marketplace, Westgate, Marina Square, and ‘old’ Target site);
- *Site is not located inside the ½-mile study area identified for the Downtown Transit-Oriented Development (TOD) Strategy;*
- *Site abuts or is within ¼ mile of an arterial street* (as identified in the Circulation Element of the General Plan);
- *Site is not located in a Residential Zone* (Assembly uses are already conditionally permitted in residential zones, so would not produce new areas for assembly uses to locate if considered);
- *Site is not considered public land, and is not zoned Public Service (PS), Open Space (OS), or Commercial Recreation (CR); property is not owned by an Exempt Public Agency, or leased/owned by a public utility* (these areas represent properties and uses that are unlikely to change);
- *Overlay Area must allow a contiguous area greater than or equal to two acres.* (This figure was derived from research indicating that large assembly uses require a minimum 2-acre site to accommodate bigger building size and to allow for adequate on-site parking. Staff is not recommending that a minimum acreage be included as part of the Zoning Code text amendments, and suggests that future applications for amendments to the Assembly Use overlay that may be less than 2-acres in size be given flexibility in a manner that would conform to the Religious Land Use and Institutionalized Persons Act [RLUIPA].)

After inputting General Plan policy and Zoning Code criteria, several potential overlay areas, located throughout the City, were derived where staff recommends assembly uses could be conditionally permitted. This would be accomplished via a Zoning Code text amendment to

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define the Assembly Use Overlay and then a Zoning Map amendment designating all of the applicable areas with the new Assembly Use Overlay. Under this proposal, the underlying zoning designations for each of the individual properties would not change, similar to how the -S and -PD Overlay Districts are utilized. In addition, implementation of the Assembly Use Overlay would not affect the existing use of the property, or the current list of permitted uses. It would allow the property owner to apply for a conditional use permit for an assembly use in the future, where such uses are not currently permitted. With this option, a total of 197 properties, encompassing approximately 211.1 acres, would be rezoned with the Assembly Use overlay.

Staff notes that Religious Assembly and Clubs & Lodges uses (to be re-defined as Assembly Uses) would continue to remain conditionally permitted in R Districts.

Current City Council Policy

Not applicable.

Previous City Council Action

Not applicable.

City Council Committee Review and Action

This item was presented by staff at the October 12 Business Development Subcommittee meeting.

Applicable General Plan Policy

See Discussion above.

Permits and/or Variances Granted

Not applicable.

Environmental Review

Because this proposal includes a rezone of properties with a new overlay, this action is subject to the California Environmental Quality Act (CEQA) and an Initial Study Checklist and Negative Declaration were prepared by staff. The 20-day public review period established for the Negative Declaration commenced on February 1 and concluded on February 20. No comments on the Negative Declaration were received.

Code Compliance Review

Not applicable.

Board/Commission Findings

At the joint Board of Zoning Adjustments/Planning Commission worksession, the consensus for direction to staff was to analyze the option of creating an Assembly Use overlay, as it represented an opportunity for inclusion of more properties and acreage for assembly uses as being conditionally permitted, than the other option did.

The Board of Zoning Adjustments reviewed the matter at its December 7 meeting, recommending that the Planning Commission make a favorable motion to the City Council. The Planning Commission reviewed a summary of the proposed ordinance and held a public hearing at its

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February 22, 2007 meeting. Minutes from the Board of Zoning Adjustments and Planning Commission meetings are included as attachments. The Planning Commission forwarded a recommendation of approval of the proposed ordinance and map amendment to City Council.

Summary of Public Outreach Efforts

Legal advertisements were placed in the Daily Review newspaper for the March 19 City Council meeting, the February 22 Planning Commission and December 7 Board of Zoning Adjustments meetings, and for the October 19 joint work session. In addition, all of the owners whose properties are proposed for the overlay were sent a courtesy notice for the public hearings.

Fiscal Impact

Not applicable.

Budget Authority

Not applicable.

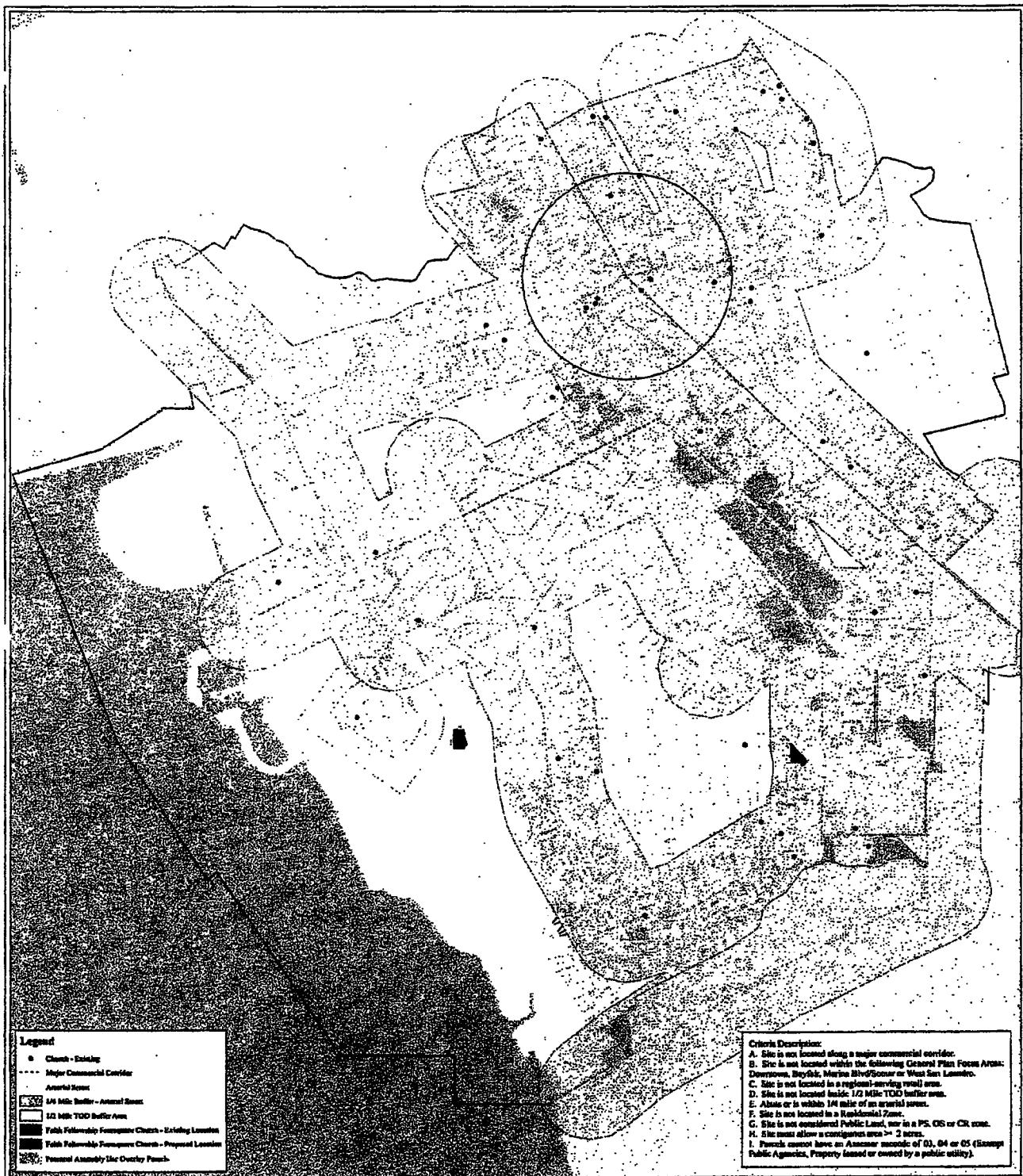
Attachments:

- A. Proposed Zoning Map Amendments
- B. Recommended Findings for Approval of Rezone
- C. Negative Declaration and Initial Study Checklist
- D. February 22, 2007 Planning Commission staff report (w/o attachments)
- E. Excerpt of Draft Minutes from February 22, 2007 Planning Commission meeting
- F. Excerpt of Minutes from December 7, 2006 Board of Zoning Adjustments meeting
- G. Excerpt of Draft Minutes from the December 20, 2006 West San Leandro/MacArthur Boulevard RAC meeting
- H. Excerpt of Draft Minutes from the January 17, 2007 Joint RAC meeting
- I. Excerpt of Minutes from October 19, 2006 joint Board of Zoning Adjustments/Planning Commission work session
- J. Correspondence

CONCLUSION

The Board of Zoning Adjustments, the Planning Commission and staff recommend that the City Council hold a public hearing and adopt the Negative Declaration; adopt the proposed Zoning Code amendments to Articles 3, 5, 13, and 17; and the Zoning Map amendments for the 197 identified properties.

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ATTACHMENT A

CITY OF SAN LEANDRO
Assembly Use Overlay Criteria Study



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ATTACHMENT B**Recommended Findings of Fact for Approval****Rezone of Various Properties (list attached) with an Assembly Use (-AU) Overlay.****Rezone**

- 1. The proposed rezone must be in general agreement with the adopted General Plan of the City.**

The General Plan Land Use Map designates the subject properties with various designations, including Corridor Mixed Use, Light Industrial, General Industrial, and General Commercial. The properties would be rezoned to a zoning designation that is consistent with the General Plan, to retain their underlying designation but have an Assembly Use (-AU) Overlay applied.

The rezoning of the sites to include an Assembly Use Overlay does not include any changes to the subject properties. Although no development is proposed as part of this action, the rezone would facilitate future development of Assembly Uses with approval of a conditional use permit.

- 2. The uses permitted by the proposed zoning district must be compatible with existing and proposed uses in the general neighborhood.**

The properties proposed for the Assembly Use Overlay exist throughout the City and have both commercial and industrial zoning designations. With the addition of the Assembly Use Overlay, permitted and conditionally permitted uses under the various zoning districts would remain, and assembly uses would be considered conditionally permitted where they were previously prohibited on these properties. Because an assembly use would require a use permit, compatibility with existing and proposed uses in the general neighborhood of a future site would be considered.

- 3. The property subject to the rezone will be served by streets, utilities and other public facilities of sufficient capacity to properly serve it without overloading and without detriment to other areas presently zoned in contemplation of full use and availability of such facilities.**

The sites are currently served by streets and utilities. The proposed project involves only a rezoning of properties with an Assembly Use Overlay, with no development included. No impacts would therefore result to public service providers.

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List of Properties Proposed for the Assembly Use Overlay

| APN | ADDRESS | | |
|------------------|----------------------|------------------|----------------------|
| 075 0065 009 02 | 854 Williams St | 075 0065 002 00 | 823 Thornton St |
| 075 0045 004 00 | 753 Williams St | 075 0065 001 02 | 839 Thornton St |
| 075 0045 011 00 | 748 Castro St | 075 0065 005 00 | 804 Williams St |
| 075 0105 028 00 | 2028 Alvarado St | 075 0045 006 00 | 824 Williams St |
| 075 0105 027 00 | 2042 Alvarado St | 075 0045 007 00 | 705 Williams St |
| 077A 0639 004 00 | 916 Williams St | 075 0065 007 02 | 830 Williams St |
| 075 0045 010 00 | 736 Castro St | 075 0045 006 00 | 719 Williams St |
| 077A 0639 005 00 | 932 Williams St | 075 0065 008 00 | 840 Williams St |
| 075 0066 005 00 | 1823 Alvarado St | 075 0066 007 09 | 830 Castro St |
| 077A 0639 006 00 | 940 Williams St | 075 0045 005 00 | 735 Williams St |
| 075 0065 010 00 | 886 Williams St | 075 0045 002 00 | 795 Williams St |
| 075 0065 001 03 | 845 Thornton St | 077A 0639 002 00 | 904 Williams St |
| 075 0065 001 04 | 857 Thornton St | 075 0045 009 01 | 712 Castro St |
| 075 0105 008 00 | 703 Castro St | 077A 0639 003 00 | 912 Williams St |
| 075 0066 007 08 | 810 Castro St | 075 0105 007 00 | 727 Castro St |
| 077A 0639 008 00 | 972 Williams St | 075 0045 013 00 | 766 Castro St |
| 075 0078 007 03 | 549 Harlan St | 075 0045 012 00 | 754 Castro St |
| 075 0105 002 00 | 783 Castro St | 075 0105 032 00 | 1982 Alvarado St |
| 075 0078 006 02 | 555 Harlan St | 075 0078 002 00 | 572 Estabrook St |
| 075 0105 001 00 | 795 Castro St | 075 0078 003 02 | 596 Estabrook St |
| 075 0078 005 03 | 563 Harlan St | 075 0045 014 00 | 1860 Alvarado St |
| 076 0350 008 00 | 1051 Macarthur Blvd | 077A 0639 007 00 | 964 Williams St |
| 075 0078 007 04 | 545 Harlan St | 075 0066 006 00 | 1835 Alvarado St |
| 075 0105 003 00 | 771 Castro St | 075 0066 004 00 | 855 Williams St |
| 075 0103 011 00 | 2050 Orchard Ave | 075 0066 003 00 | 869 Williams St |
| 075 0103 010 00 | 2090 Orchard Ave | 075 0066 007 05 | 1849 Alvarado St |
| 075 0105 025 01 | 2070 Alvarado St | 077A 0639 009 00 | 1776 Orchard Ave |
| 075 0105 006 00 | 743 Castro St | 075 0105 031 02 | 1996 Alvarado St |
| 075 0105 005 00 | 755 Castro St | 075 0066 019 01 | 903 Williams St |
| 075 0066 007 07 | Castro St | 075 0105 010 01 | 2035 Martinez St |
| 075 0077 015 00 | 527 Harlan St | 075 0105 009 00 | 2009 Martinez St |
| 075 0105 004 00 | 763 Castro St | 075 0105 029 00 | 2014 Alvarado St |
| 075 0224 002 03 | 300 San Leandro Blvd | 075 0105 026 00 | 2056 Alvarado St |
| 075 0105 030 02 | 2000 Alvarado St | 075 0103 004 03 | 2023 Alvarado St |
| 075 0105 022 02 | 2102 Alvarado St | 075 0105 023 00 | 2098 Alvarado St |
| 075 0103 009 00 | 940 Estabrook St | 076 0350 003 00 | Macarthur Blvd |
| 075 0045 003 00 | 775 Williams St | 076 0350 007 01 | 1041 Macarthur Blvd |
| 075 0103 005 00 | 2077 Alvarado St | 076 0350 004 01 | 1029 Macarthur Blvd |
| 075 0103 007 00 | 864 Estabrook St | 076 0350 005 01 | 1037 Macarthur Blvd |
| 075 0103 008 00 | 870 Estabrook St | 075 0224 010 00 | 265 Park St |
| 075 0103 006 00 | 2091 Alvarado St | 077 0556 062 00 | 2274 Washington Ave |
| 075 0105 034 00 | 1954 Alvarado St | 075 0224 004 08 | 299 Park St |
| 075 0105 033 00 | 1968 Alvarado St | 076 0350 010 00 | 1079 Macarthur Blvd |
| 075 0065 004 00 | 807 Thornton St | 075 0224 001 00 | 250 San Leandro Blvd |
| 075 0065 011 00 | 896 Williams St | 077 0556 064 02 | 2242 Washington Ave |
| 075 0065 003 00 | 815 Thornton St | 075 0224 004 06 | 350 San Leandro Blvd |
| | | 075 0224 006 00 | 415 Park St |
| | | 075 0224 007 00 | 435 San Leandro Blvd |

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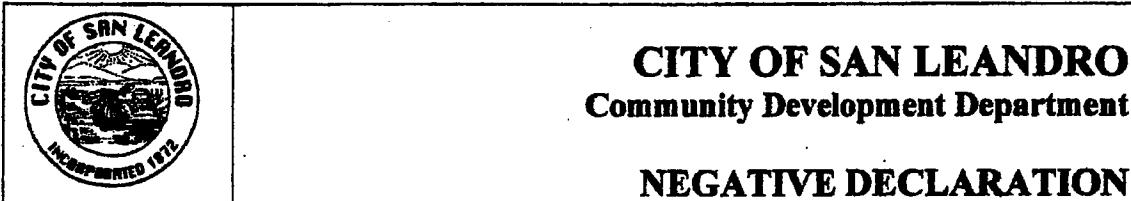
List of Properties Proposed for the Assembly Use Overlay

| | | | |
|------------------|-----------------------|------------------|----------------------|
| 075 0224 004 02 | 420 San Leandro Blvd | 077D 1437 015 01 | 1124 139th Ave |
| 075 0224 012 00 | 295 Park St | 077D 1437 014 03 | 139th Ave |
| 075 0224 011 00 | 289 Park St | 077C 1230 001 03 | 14074 Washington Ave |
| 077 0556 069 03 | 2150 Washington Ave | 077B 1222 001 05 | 344 139th Ave |
| 076 0446 012 00 | 1057 MacArthur Blvd | 077D 1440 001 21 | 143rd Ave |
| 077 0556 068 01 | Washington Ave | 077D 1443 002 02 | 833 143rd Ave |
| 077 0556 001 00 | 193 Estabrook St | 077B 1225 003 04 | 295 139th Ave |
| 077 0556 067 00 | 2166 Washington Ave | 077B 1222 004 03 | 14173 Washington Ave |
| 412 0006 011 00 | Washington Ave | 077C 1232 006 07 | 501 143rd Ave |
| 077 0556 065 01 | 2240 Washington Ave | 077C 1235 001 02 | 640 143rd Ave |
| 077 0556 063 00 | 2260 Washington Ave | 077B 1222 005 03 | 14193 Washington Ave |
| 077D 1410 025 00 | 2436 Washington Ave | 077B 1222 006 17 | Washington Ave |
| 412 0006 003 00 | 698 Lewelling Blvd | 077B 1222 006 15 | 14251 Washington Ave |
| 412 0006 010 00 | 674 Lewelling Blvd | 077C 1235 002 28 | 143rd Ave |
| 412 0009 005 07 | Lewelling Blvd | 077C 1235 002 18 | 14330 Washington Ave |
| 412 0009 006 03 | 534 Lewelling Blvd | 077C 1235 002 24 | 534 143rd Ave |
| 412 0009 006 02 | 534 Lewelling Blvd | 077B 1222 006 18 | 14231 Washington Ave |
| 077C 1280 004 00 | 15285 Hesperian Blvd | 077B 1222 007 17 | 14305 Washington Ave |
| 077B 1139 006 02 | 250 Floresta Blvd | 077C 1235 002 20 | 14332 Washington Ave |
| 077C 1310 008 04 | 14400 Washington Ave | 077C 1230 004 06 | 14110 Washington Ave |
| 077B 1139 008 00 | 256 Floresta Blvd | 077B 1225 005 05 | 295 139th Ave |
| 077B 1222 007 10 | 14349 Washington Ave | 077C 1230 004 04 | 14160 Washington Ave |
| 412 0009 006 05 | 534 Lewelling Blvd | 077C 1232 001 04 | 635 143rd Ave |
| 412 0011 004 00 | Lewelling Blvd | 077B 1222 003 04 | 14127 Washington Ave |
| 080G 1099 001 00 | 1960 Lewelling Blvd | 077B 1222 003 03 | 14143 Washington Ave |
| 077C 1240 002 00 | 2780 Halcyon Dr | 077C 1232 005 02 | 601 143rd Ave |
| 077D 1424 005 08 | 777 139th Ave | 077C 1235 002 16 | 14336 Washington Ave |
| 077C 1228 001 02 | 13940 Washington Ave | 077C 1240 001 06 | 100 Halcyon Dr |
| 077B 1225 002 04 | 13951 Washington Ave | 077B 1222 007 14 | 14315 Washington Ave |
| 077D 1440 002 00 | 790 139th Ave | 077B 1222 007 19 | 14327 Washington Ave |
| 077D 1440 001 18 | 760 139th Ave | 077B 1222 007 20 | 14335 Washington Ave |
| 077B 1222 002 02 | 14111 Washington Ave | 077B 1163 011 02 | 555 Floresta Blvd |
| 077C 1230 005 02 | 14200 Washington Ave | 077B 1163 016 03 | 14391 Washington Ave |
| 077B 1222 006 19 | 14205 Washington Ave | 077B 1163 008 10 | 555 Floresta Blvd |
| 077B 1222 007 18 | 14281 Washington Ave | 077C 1310 001 16 | Washington Ave |
| 077C 1235 002 22 | 14340 Washington Ave | 077B 1139 007 00 | 300 Floresta Blvd |
| 077C 1235 003 03 | 14388 Washington Ave | 412 0009 005 04 | 552 Lewelling Blvd |
| 077C 1235 002 14 | 14320 Washington Ave | 412 0011 005 00 | Lewelling Blvd |
| 080G 1178 007 02 | 2505 Grant Ave | 080D 0559 003 04 | 15420 Hesperian Blvd |
| 080G 0910 016 00 | 2561 Grant Ave | 080D 0559 005 03 | 15444 Hesperian Blvd |
| 080G 0910 017 00 | 2505 Grant Ave | 077C 1310 001 17 | Washington Ave |
| 077D 1440 001 23 | 750 139th Ave | 077B 1139 002 04 | 14595 Washington Ave |
| 077C 1228 002 02 | 14000 Washington Ave | 077C 1310 009 01 | 14602 Washington Ave |
| 075 0087 001 02 | 400 Hudson Ln | 077C 1310 002 06 | 14610 Washington Ave |
| 075 0084 015 02 | 2485 Washington Ave | 077C 1310 003 01 | 14664 Washington Ave |
| 075 0087 008 00 | 400 Hudson Ln | 077B 1139 002 06 | 14601 Washington Ave |
| 075 0084 014 05 | 2481 San Leandro Blvd | 077C 1310 004 04 | 14680 Washington Ave |
| 077D 1424 006 07 | 1111 139th Ave | 077C 1310 003 04 | 14662 Washington Ave |
| 077D 1437 013 04 | 1090 139th Ave | 077C 1280 006 03 | 15311 Hesperian Blvd |

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List of Properties Proposed for the Assembly Use Overlay

| | |
|------------------|----------------------|
| 077C 1280 007 00 | Hesperian Blvd |
| 412 0001 007 01 | Greenhouse Mall |
| 077B 1125 004 04 | 14805 Washington Ave |
| 077C 1280 005 01 | 15299 Hesperian Blvd |
| 075 0078 001 07 | Estabrook St |

ATTACHMENT C

Notice is hereby given that the City of San Leandro finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

The City has initiated a process to rezone approximately 197 identified properties with a new Assembly Use Overlay. The existing underlying zoning designation for each property would not change, but the -AU (Assembly Use) Overlay designation would be added. In doing so, assembly uses that may wish to locate on one of these properties would be able to apply for a conditional use permit for such a use. Currently, assembly uses (including clubs/lodges and religious assembly) are only conditionally permitted in certain residential zones. Article 13 of the Zoning Code would be amended to include language regarding an Assembly Use Overlay District, and Article 3 (Definitions) would be modified to delete 'Clubs & Lodges' and 'Religious Assembly' and insert a new definition for 'Assembly Uses'.

II. DECLARATION THAT PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. The overlay designation would not affect existing uses, or the list of permitted uses. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. All of the affected properties exist within an urban environment. The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

- A. The project involves a zoning text and map amendment, to include a new overlay designation for 197 identified properties. No physical changes would directly occur with the proposed text and map amendments.
- B. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.

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IV. PERSON WHO PREPARED INITIAL STUDY:


Debbie Pollart, Planning Manager

Dated: January 29, 2007

V. REVIEW PERIOD:

The 20-day public review period is from February 1 through February 20, 2007. All written comments regarding this Negative Declaration must be received by the City of San Leandro, Planning Services Division, 835 E. 14th Street, San Leandro, California 94577, no later than 5:00 P.M., February 20, 2007.

A Planning Commission meeting has been tentatively set for February 22, 2007. Written and oral comments on the Negative Declaration may also be made during this public meeting.

COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of San Leandro, Planning Services Division, 835 East 14th Street, San Leandro, CA 94577, telephone (510) 577-3327, or e-mail dpollart@ci.san-leandro.ca.us.



**CITY OF SAN LEANDRO
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division**

INITIAL STUDY CHECKLIST FORM

| | |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project title: | Assembly Uses Overlay – Rezone; Zoning Code text amendment to Article 3 (Definitions); and Zoning Code text amendment to Article 13 to include language for an Assembly Use Overlay District |
| Lead agency name and address: | City of San Leandro, 835 E. 14 th Street, San Leandro, CA 94577 |
| Contact persons and phone numbers: | Debbie Pollart, Planning Manager (510) 577-3327 |
| Project location: | Approximately 197 properties located throughout the City (see attached list for Assessor Parcel Numbers). |
| Project sponsor's name and address: | City of San Leandro, 835 E. 14 th Street, San Leandro, CA 94577 |
| General Plan: | Various |
| Zoning: | Various |
| Description of site and proposed project: | The City has initiated a process to rezone the identified properties with a new Assembly Use Overlay. The existing underlying zoning designation for each property would not change, but the -AU (Assembly Use) Overlay designation would be added. In doing so, assembly uses that may wish to locate on one of these properties would be able to apply for a conditional use permit for such a use. Currently, assembly uses (including clubs/lodges and religious assembly) are only conditionally permitted in certain residential zones. Article 13 of the Zoning Code would be amended to include language regarding an Assembly Use Overlay District, and Article 3 (Definitions) would be modified to delete 'Clubs & Lodges' and 'Religious Assembly' and insert a new definition for 'Assembly Uses'. |
| Other public agencies whose approval is required: | None |

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|-------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| Mandatory Findings Of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, to analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Debbie Pollart
Signature

January 29, 2007

Date

Debbie Pollart, Planning Manager
Printed name

City of San Leandro

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|--------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|

1. LAND USE AND PLANNING. Would the project:

- | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---------|
| a. Physically divide an established community? | | | | X | 2 |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | X | 2, 4, 5 |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. This action would allow assembly uses (clubs, lodges and religious assemblies) to be conditionally permitted on the identified properties. This would be in addition to their status as conditionally permitted uses in certain Residential districts. The overlay designation would not affect existing uses, or the list of permitted uses. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. The proposed project would not physically divide an established community and would not conflict with the General Plan or Zoning Code. There is no identified habitat conservation plan or natural community conservation plans. No impacts to land use and planning are anticipated.

2. POPULATION AND HOUSING. Would the project:

- | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| a. Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g. through projects in an undeveloped area or major infrastructure)? | | | | X | 2 |
| b. Displace substantial number of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X | 7 |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to population and housing are anticipated.

3. GEOLOGY AND SOILS. Would the project:

- | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | X | 7 |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? | | | | X | 7 |
| ii) Strong seismic ground shaking? | | | | X | 7 |
| iii) Seismic-related ground failure, including liquefaction? | | | | X | 7 |
| iv) Landslides? | | | | X | 7 |
| b. Result in substantial soil erosion or the loss of topsoil? | | | | X | 7 |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | | X | 7 |
| d. Be located on expansive soil, creating substantial risks of life or property? | | | | X | 7 |
| e. Have soils capable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | | | | X | 7 |
| f. Any increase in wind or water erosion of soils, either on- or off-site? | | | | X | 7 |
| g. Changes in deposition or erosion of beach, sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | | | | X | 7 |
| EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to geology are anticipated. | | | | | |
| 4. HYDROLOGY AND WATER QUALITY. Would the project: | | | | | |
| a. Violate any water quality standards or waste discharge requirements? | | | | X | 7 |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?) | | | | X | 7 |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | | | | X | 7 |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | | X | 7 |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | | | | X | 7 |
| f. Otherwise substantially degrade water quality? | | | | X | 7 |

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| ISSUES | POTENTIALLY SIGNIFICANT ISSUES | POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED | LESS THAN SIGNIFICANT IMPACT | NO IMPACT | SOURCES |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|
| g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map (FIRM) or other flood hazard delineation map? | | | | X | 7 |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | | | | X | 7 |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | | X | 7 |
| j. Inundation by seiche, tsunami, or mudflow? | | | | X | 7 |
| k. Exposure of people property to water related hazards such as tidal waves? | | | | X | 7 |
| EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to hydrology and water quality are anticipated. | | | | | |
| 5. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | | | | X | 7 |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | | X | 7 |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | | | X | 7 |
| d. Expose sensitive receptors to substantial pollutant concentrations? | | | | X | 7 |
| e. Create objectionable odors affecting a substantial number of people? | | | | X | 7 |
| EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to air quality are anticipated. | | | | | |
| 6. BIOLOGICAL RESOURCES: Would the project: | | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | X | 4 |

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| ISSUES | POTENTIALLY SIGNIFICANT ISSUES | POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED | LESS THAN SIGNIFICANT IMPACT | NO IMPACT | SOURCES |
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| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | | | | X | 4 |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | X | 4 |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X | 4 |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X | 4 |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan? | | | | X | 4 |
| EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. All of the properties are located within an urban environment, with no rare/endangered species or protected habitats identified. No impacts to biological resources are anticipated. | | | | | |
| 7. MINERAL RESOURCES: Would the project: | | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X | 7 |
| b. Result in the loss of availability of a locally, important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | | | | X | 7 |
| EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to mineral resources are anticipated. | | | | | |
| 8. HAZARDS AND HAZARDOUS MATERIALS: Would the project: | | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X | 7 |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X | 7 |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X | 7 |
| d. Be located on a site which is included on a list of hazardous materials sites and, as a result, would it create a significant hazard to the public or the environment? | | | | X | 7 |
| e. For a project located within an airport land use plan, would the project result in a safety hazard for people residing or working in the project area? | | | | X | 2, 6 |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | | | | X | 7 |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | | X | 7 |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X | 7 |
| EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. None of the project sites are located within the boundaries of the Alameda County Airport Land Use Plan. No impacts to hazards and hazardous materials are anticipated. | | | | | |
| 9. NOISE: Would the project result in: | | | | | |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies? | | | | X | 7 |
| b. Exposure of persons to or generation of excessive groundborne vibration of groundborne noise levels? | | | | X | 7 |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X | 7 |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X | 7 |
| e. For a project located within an airport land use plan, would the project expose people residing or working in the project area to excessive noise levels? | | | | X | 2 |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X | 7 |

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|--------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to noise are anticipated.

10. TRANSPORTATION/CIRCULATION: Would the project:

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | | | | X | 7 |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | | | | X | 7 |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | | X | 7 |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | X | 7 |
| e. Result in inadequate emergency access? | | | | X | 7 |
| f. Result in inadequate parking capacity? | | | | X | 7 |
| g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | X | 7 |
| h. Trigger CMA Review? (GPA involving more than 100 p.m. peak hour trips generated over existing GP) | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. One of the criteria used for selection of the overlay sites, was that they abut or be within ¼ mile of an arterial roadway, in order to facilitate better traffic flow and not be a burden on local residents and businesses. In addition, traffic generated by assembly uses is typically made at off-peak hours. No impacts to transportation and circulation are anticipated.

11. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, and/or new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

| | | | | | |
|-----------------------------|--|--|--|---|---|
| a. Fire protection? | | | | X | 7 |
| b. Police protection? | | | | X | 7 |
| c. Schools? | | | | X | 7 |
| d. Parks? | | | | X | 7 |
| e. Other public facilities? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to public services are anticipated.

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|--------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|

12. UTILITIES AND SERVICE SYSTEMS: Would the project:

| | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X | 7 |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X | 7 |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X | 7 |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | | X | 7 |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | X | 7 |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X | 7 |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | | | | X | 7 |
| h.. Comply with federal, state, and local statutes and regulations related to discharge of storm waters? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to utilities and service systems are anticipated.

13. RECREATION:

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | | X | 7 |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to recreation are anticipated.

SCENIC VISTAS: Would the project:

| | | | | | |
|---------------------------------------------------------|--|--|--|---|---|
| a. Have a substantial adverse effect on a scenic vista? | | | | X | 7 |
|---------------------------------------------------------|--|--|--|---|---|

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| ISSUES | POTENTIALLY SIGNIFICANT ISSUES | POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED | LESS THAN SIGNIFICANT IMPACT | NO IMPACT | SOURCES |
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| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X | 7 |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | | | | X | 7 |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | | X | 7 |
| e. Create significant shadow effects on adjacent buildings? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to aesthetics are anticipated.

15. CULTURAL RESOURCES. Would the project:

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------|--|--|--|---|---|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? | | | | X | 7 |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? | | | | X | 7 |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | | | X | 7 |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | | | | X | 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No impacts to cultural resources are anticipated.

16. AGRICULTURE RESOURCES. Would the project:

| | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | X | 4, 7 |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | | X | 4, 7 |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | | | | X | 4, 7 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. There are no farmland properties, or identified agricultural uses/zoning in the City. No impacts to agricultural resources are anticipated.

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| ISSUES | POTENTIALLY SIGNIFICANT ISSUES | POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED | LESS THAN SIGNIFICANT IMPACT | NO IMPACT | SOURCES |
|--------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|
|--------|--------------------------------|--------------------------------------------------------|------------------------------|-----------|---------|

17. MANDATORY FINDINGS OF SIGNIFICANCE:

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|---|------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | | | X | 4, 5 |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project that are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.) | | | | X | 4, 5 |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | | X | 4, 5 |

EXPLANATION: The proposed project involves a Zoning Code text and map amendment, which would add an Assembly Use (-AU) overlay to the affected properties. No physical changes would directly occur with the text and map amendment, and any future assembly uses that may request entitlement, would undergo their own environmental review. No cumulative impacts are anticipated.

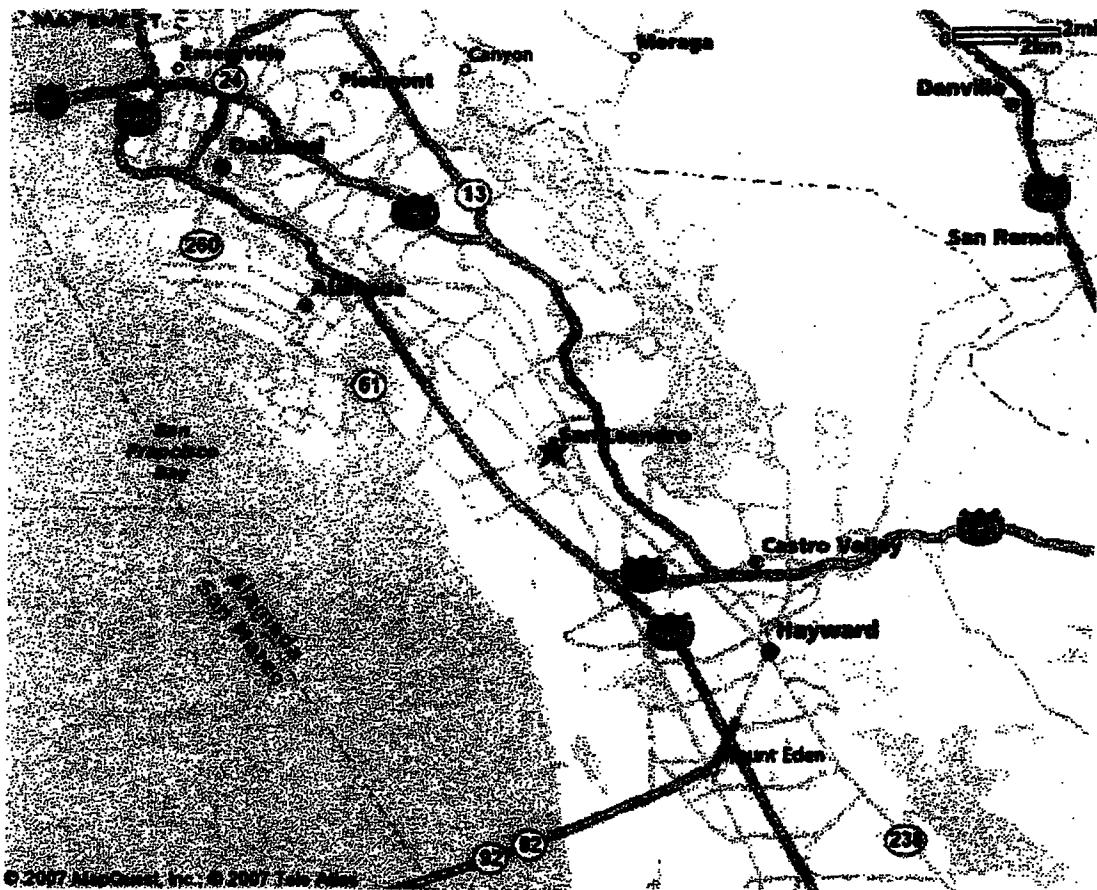
17. SOURCE REFERENCES:

1. Determination based on location of project
2. Determination based on staff office review
3. Determination based on field review
4. Determination based on San Leandro General Plan
5. Determination based on San Leandro Zoning Code
6. Other - Alameda County Airport Land Use Plan
7. Not Applicable

ATTACHMENTS

1. Regional Map
2. Proposed Assembly Uses Overlay Map
3. List of Affected Parcel Numbers and Addresses

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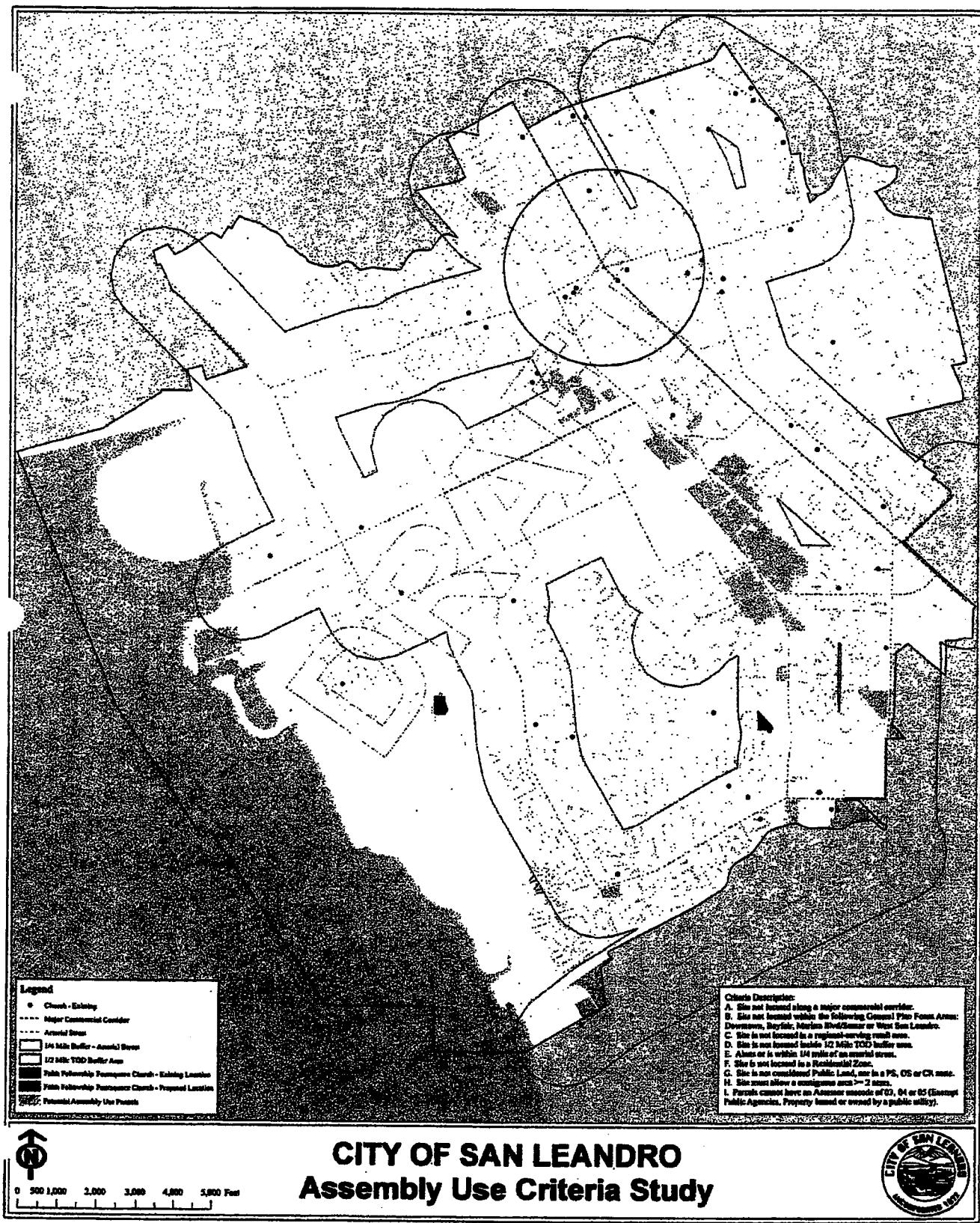
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Proposed Assembly Use Overlay – List of Parcel Numbers and Addresses

| APN | ADDRESS | | |
|------------------|-----------------------|------------------|----------------------|
| 075 0065 009 02 | 854 Williams St | 075 0045 007 02 | 705 Williams St |
| 075 0045 004 00 | 753 Williams St | 075 0045 006 00 | 830 Williams St |
| 075 0045 011 00 | 748 Castro St | 075 0065 008 00 | 719 Williams St |
| 075 0105 028 00 | 2028 Alvarado St | 075 0066 007 09 | 840 Williams St |
| 075 0105 027 00 | 2042 Alvarado St | 075 0045 005 00 | 830 Castro St |
| 077A 0639 004 00 | 916 Williams St | 075 0045 002 00 | 735 Williams St |
| 075 0045 010 00 | 736 Castro St | 077A 0639 002 00 | 795 Williams St |
| 077A 0639 005 00 | 932 Williams St | 075 0045 009 01 | 904 Williams St |
| 075 0066 005 00 | 1823 Alvarado St | 077A 0639 003 00 | 712 Castro St |
| 077A 0639 006 00 | 940 Williams St | 075 0105 007 00 | 912 Williams St |
| 075 0065 010 00 | 886 Williams St | 075 0045 013 00 | 727 Castro St |
| 075 0065 001 03 | 845 Thornton St | 075 0045 012 00 | 766 Castro St |
| 075 0065 001 04 | 857 Thornton St | 075 0105 032 00 | 754 Castro St |
| 075 0105 008 00 | 703 Castro St | 075 0078 002 00 | 1982 Alvarado St |
| 075 0066 007 08 | 810 Castro St | 075 0078 003 02 | 572 Estabrook St |
| 077A 0639 008 00 | 972 Williams St | 075 0045 014 00 | 596 Estabrook St |
| 075 0078 007 03 | 549 Harlan St | 077A 0639 007 00 | 1860 Alvarado St |
| 075 0105 002 00 | 783 Castro St | 075 0066 006 00 | 964 Williams St |
| 075 0078 006 02 | 555 Harlan St | 075 0066 004 00 | 1835 Alvarado St |
| 075 0105 001 00 | 795 Castro St | 075 0066 003 00 | 855 Williams St |
| 075 0078 005 03 | 563 Harlan St | 075 0066 007 05 | 869 Williams St |
| 076 0350 008 00 | 1051 Macarthur Blvd | 077A 0639 009 00 | 1849 Alvarado St |
| 075 0078 007 04 | 545 Harlan St | 075 0105 031 02 | 1776 Orchard Ave |
| 075 0105 003 00 | 771 Castro St | 075 0066 019 01 | 1996 Alvarado St |
| 075 0103 011 00 | 2050 Orchard Ave | 075 0105 010 01 | 903 Williams St |
| 075 0103 010 00 | 2090 Orchard Ave | 075 0105 009 00 | 2035 Martinez St |
| 075 0105 025 01 | 2070 Alvarado St | 075 0105 029 00 | 2009 Martinez St |
| 075 0105 006 00 | 743 Castro St | 075 0105 026 00 | 2014 Alvarado St |
| 075 0105 005 00 | 755 Castro St | 075 0103 004 03 | 2056 Alvarado St |
| 075 0066 007 07 | Castro St | 075 0105 023 00 | 2023 Alvarado St |
| 075 0077 015 00 | 527 Harlan St | 076 0350 003 00 | 2098 Alvarado St |
| 075 0105 004 00 | 763 Castro St | 076 0350 007 01 | Macarthur Blvd |
| 075 0224 002 03 | 300 San Leandro Blvd. | 076 0350 004 01 | 1041 Macarthur Blvd |
| 075 0105 030 02 | 2000 Alvarado St | 076 0350 005 01 | 1029 Macarthur Blvd |
| 075 0105 022 02 | 2102 Alvarado St | 075 0224 010 00 | 1037 Macarthur Blvd |
| 075 0103 009 00 | 940 Estabrook St | 075 0224 062 00 | 265 Park St |
| 075 0045 003 00 | 775 Williams St | 077 0556 062 00 | 2274 Washington Ave |
| 075 0103 005 00 | 2077 Alvarado St | 075 0224 004 08 | 075 0224 004 08 |
| 075 0103 007 00 | 864 Estabrook St | 076 0350 010 00 | 299 Park St |
| 075 0103 008 00 | 870 Estabrook St | 075 0224 001 00 | 1079 Macarthur Blvd |
| 075 0103 006 00 | 2091 Alvarado St | 077 0556 064 02 | 250 San Leandro Blvd |
| 075 0105 034 00 | 1954 Alvarado St | 075 0224 004 06 | 2242 Washington Ave |
| 075 0105 033 00 | 1968 Alvarado St | 075 0224 006 00 | 350 San Leandro Blvd |
| 075 0065 004 00 | 807 Thornton St | 075 0224 007 00 | 415 Park St |
| 075 0065 011 00 | 896 Williams St | 075 0224 004 02 | 435 San Leandro Blvd |
| 075 0065 003 00 | 815 Thornton St | 075 0224 012 00 | 420 San Leandro Blvd |
| 075 0065 002 00 | 823 Thornton St | 075 0224 011 00 | 295 Park St |
| 075 0065 001 02 | 839 Thornton St | 077 0556 069 03 | 289 Park St |
| 075 0065 005 00 | 804 Williams St | 076 0446 012 00 | 2150 Washington Ave |
| 075 0065 006 00 | 824 Williams St | 077 0556 068 01 | 1057 Macarthur Blvd |
| | | 077 0556 001 00 | Washington Ave |
| | | | 193 Estabrook St |